

Lewis County Planning Commission *Public Hearing*

Lewis County Courthouse
Commissioners' Hearing Room - 2nd Floor
351 NW North St - Chehalis, WA

May 10, 2016 Meeting Notes

Planning Commissioners Present: Russ Prior, District 3; Jeff Millman, District 2; Bob Whannell, District 3; Sue Rosbach, District 2; Mike Mahoney, District 1; Stephen Hueffed, District 2; Leslie Myers, District 1

Staff Present: Lee Napier, Community Development Director; Glenn Carter, Deputy Prosecuting Attorney; Fred Evander, Senior Long Range Planner; Brianna Tietzel, Pat Anderson

Others Present: Please see sign in sheet

Handouts/Materials Used:

- Agenda
- Meeting Notes
- Shoreline Master Program Update

1. Call to Order

Chairman Mahoney called the meeting to order at 6:01 p.m. The Commissioners introduced themselves.

2. Approval of Agenda

The agenda was approved as presented.

3. Approval of Meeting Notes

The Chair entertained a motion to approve the meeting notes from April 26, 2016. There were no changes or corrections and a motion was made to approve by Commissioner Myers, seconded by Commissioner Rosbach. The motion carried.

4. Old Business

A. Public Hearing on Shoreline Master Program

Chair Mahoney confirmed that there was a quorum present and then opened the public hearing at 6:04 p.m. He asked for a staff report.

Mr. Evander stated the Shoreline Master Program (SMP) is a required element of the Shoreline Management Act (SMA). Lewis County adopted its SMP in 1974; it was modified in 1998. Since then, Lewis County has adopted a Comprehensive Plan, a Critical Areas Ordinance (CAO) and state laws have changed dramatically, including the guidelines for the SMA, which were amended in 2003.

The document itself is a very large document but it has attempted to rely as much as possible on the County's existing regulations: the existing zoning, the existing CAO. It also relies on existing state

requirements, such as the Hydraulic Project Approval and the state forest practices rules. Where these regulations have not been sufficient to meet the WAC for the SMP staff has relied on the standards directly from the WAC.

Mr. Evander noted that there are some ways in which the SMP is more restrictive than the County's existing regulations, specifically vegetation conservation along the shorelines; however, there are areas where the SMP is much more flexible than the existing regulations. Under the existing CAO all buildings must be set back 150 feet from the shoreline unless there is a buffer reduction. There are more options for buffer reductions in the updated SMP.

Mr. Evander stated there has been considerable public involvement in the update: there was a Citizen Advisory Committee and there have been meetings with interested parties. A public notice was published on April 20, 2016 and the document has been sent to the Department of Commerce.

There were comments from the Citizen Advisory Committee and interested parties that helped form this draft. To date there have been no comments received on this version of the draft. Mr. Evander stated he believes this draft is a solid document that can be forwarded to Department of Ecology.

There are three changes that Mr. Evander would recommend. One is adding the image of the Interrupted Buffer that was requested by Commissioner Prior.

Another change is a clarification on page 76, 5.12.02(B). He would like this to read: "Parking facilities in shoreline jurisdiction shall be located upland from the principal use or structure being served, except in the following cases." He explained that there might be a recreational use that might not have a structure associated with it and if the parking is upland from that recreational use, that meets the intent.

The third recommended change is how to handle mining within the Ordinary High Water Mark (OHWM) in streams. Currently the SMP does not allow mining next to a stream, but it does allow mining within a stream. Mr. Evander would like to change the table to make it clear that mining is not allowed in a stream and crossing out Item D (5.11.02) on page 74. The changes to the table (page 49) would be under Aquatic Use, changing the 'C' to an 'X' in the Mining category.

Mr. Evander asked for questions.

Chairman Mahoney asked if most of the changes, particularly the additions, reflect changes in state law since the last update. Mr. Evander stated that is correct. A lot of this draft document is based on the WAC (Washington Administrative Code) and the requirements from the WAC need to be reflected in this draft document.

Commissioner Prior stated he believed there were a couple instances of mining within a stream. Chairman Mahoney stated the mining was within the flood plain, not in the river. Mr. Evander stated mining is allowed in the Channel Migration Zone (CMZ) but not within the water environment of a river. Commissioner Prior stated based on his understanding of the shoreline jurisdiction the mining he is referring to is waterward of the OHWM. Chairman Mahoney stated the OHWM does not include the floodplain, floodway or flood course. It is within the banks of a river. Mr. Evander stated 'F' in 5.11.02

(page 75) states mining within a CMZ that is within a shoreline jurisdiction requires a shoreline conditional use permit. Mr. Evander is talking about mining within the banks of a river or stream.

After further discussion, it was the consensus to change 5.11.02(D) to read: "New mining waterward of the OHWM of a shoreline waterbody shall not be permitted."

Commissioner Prior asked if the 1998 changes to the SMP were insignificant. Mr. Evander stated that was his understanding from the consultant – he has not compared the 1974 and 1998 versions.

Chairman Mahoney asked for questions. There were none and the Chair closed the oral testimony portion of the hearing. The Chair did not think it was necessary to keep the hearing open for written testimony and closed the public hearing at 6:24.

Chairman Mahoney asked the Planning Commissioners if they saw a need for an additional workshop. They did not. Chair Mahoney stated he would like included in the record: the staff report, the draft document and all attachments. He entertained a motion to forward all documents to the Board of County Commissioners.

Commissioner Rosbach moved that the Planning Commission approve the SMP and recommend to the BOCC to approve the SMP with all changes proposed. The motion was seconded by Commissioner Whannell. The motion carried unanimously.

B. Workshop on the 2017 Comprehensive Plan Update

Mr. Evander distributed a handout for the Planning Commissions' consideration before the next meeting on June 14. Other work before the Commission in 2016 will be one, possibly two, rezone changes.

The handout, Tension Points, is a condensed version of issues Mr. Evander has heard in talking with various groups throughout the County. He asked the Planning Commissioners to look them over and come up with some potential solutions for improving the negative aspects. He summarized the handout.

Chairman Mahoney stated everything on the list comes back to having a viable population – decent paying jobs, and enough to keep the communities going. He stated the Growth Management Act, as it was implemented in Lewis County, has destroyed economic opportunities, especially in the extreme ends of the County. He thought it was very important to get the Urban Growth Area established in Packwood so that area can be developed and maybe bring in more jobs. Major agricultural and forestry employers are no longer providing the jobs that were so prevalent several years ago.

Mr. Evander stated staff is working on getting a UGA in Packwood. Different strategies need to be considered rather than putting all efforts into one idea. Our greatest resources are our human resources and that is not being utilized to its best potential. He believes small town economic development begins with local entrepreneurship.

Chairman Mahoney would like to see some of the GMA restrictions lifted so that there will be more opportunity for economic growth throughout the County.

Commissioner Prior stated a big economic driver in Packwood happens twice a year – the huge flea markets. He would not like to see something happen that no longer allows those two events to occur. He asked if a UGA would prevent those flea markets from continuing. Mr. Evander did not think that would be an issue. Chair Mahoney stated a UGA allows the development of infrastructure: sewers, roads, sidewalks, etc. and once that opportunity is there, then the other things can be promoted. Without infrastructure there are no jobs; if there are no jobs then families cannot be maintained.

Commissioner Millman asked how Lewis County can get out of the mindset that there are no more mines and get high paying jobs that are offered elsewhere. Do those other areas have a better business motto? Mr. Evander stated he has heard there is the need for a change in mind set to stop thinking about what we can't do and start thinking about what we can do. There are things that can't be done and they need to be addressed; however we should also think positively about the County's assets.

Commissioner Prior stated there is a fiber optic cable that runs along Highway 12 and over White Pass. He does not know what happened to that but the cable is still there that could have a potential for some high speed internet access. If the County could help that along, that would help businesses. Mr. Evander stated that is exactly the type of idea he is looking for. Commissioner Millman stated there is a group of people who are looking at improving high speed internet in Winlock. They were smart in starting at the County level, and they may need grants but they are trying.

Mr. Evander stated we should set our priorities and move towards them.

5. New Business

There was no new business.

6. Calendar

The next meeting will be on June 14, 2016.

7. Good of the Order

There were no comments.

8. Adjourn

The meeting concluded and adjournment was at 7:11 p.m.